

REMARKS

The Official Action dated August 24, 2004 has been received and its contents carefully noted. In view thereof, claims 32-34 have been added in order to better define that which Applicants regard as the invention. Accordingly, claims 17-19 and 21-34 are presently pending in the instant application.

With reference now to the Official Action and particularly page 2 thereof, claim 17-19 and 21-31 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,978,836 issued to Ouchi in view of U.S. Patent No. 6,134,582 issued to Kennedy. This rejection is respectfully traversed in that the combination proposed by the Examiner neither discloses nor remotely suggests that which is presently set forth by Applicants' claimed invention.

Initially, with respect to previously pending claims 17-19 and 21-31, it is noted that the present invention is directed to electronic mail data as well as systems and devices for transmitting and receiving such data wherein the electronic mail data comprises the operation control data for controlling the operation of the receiving device where the electronic mail data are received. Clearly, the combination proposed by the Examiner fails to disclose or remotely suggest this feature which is consistent throughout Applicants' claimed invention.

That is, it is noted that the patent to Ouchi merely discloses a system in which the electronic mail data which comprises the operation control data for controlling the operation of the mail server. Particularly, as noted in Fig. 24 of the Ouchi reference, a copy of which is attached hereto for the Examiner's convenience, electronic email data set forth therein merely comprises the operation control data for controlling the operation of the mail server. Clearly, the Ouchi reference fails to disclose or remotely suggest electronic mail data which comprises the operation control data for controlling the receiving device where the electronic

mail data are received as is specifically recited by Applicants' claimed invention.

While the Examiner states that the Ouchi reference teaches "a body region describing content of electronic mail" in Fig. 24, "email"; "an auxiliary region describing data necessary for transmitting electronic mail" in Fig. 24, element "location table"; this reference clearly fails to disclose that which is presently set forth by Applicants' claimed invention as discussed above. Furthermore, it is noted that the Examiner appreciates that Ouchi fails to expressly teach the limitation "wherein operation control data for controlling an operation mode of the receiving device is included in the auxiliary region" the Examiner goes on to state that this statement is a very broad limitation starting with a "wherein" clause and that the claim does not recite sufficient structure or step to support the function. This is clearly an erroneous conclusion reached by the Examiner. The Applicant is entitled to recite the claimed features in as broad a term as possible and it is clear that the foregoing claims while being couched in broad terms sets forth and distinctly claims the subject matter which Applicants regard as the invention as required under 35 U.S.C. §112. If the Examiner is of the position that the claims are indefinite in a manner he should indicate such in the Official Action. In the absence of such a rejection, it is respectfully submitted that Applicants' claimed invention as recited in broad terms clearly defines and distinctly claims that which Applicants regard as the invention.

Moreover, while the patent to Kennedy may disclose in col. 2, lines 42-56 that the invention set forth by Kennedy efficiently manages messages and optimizes communication between the client and a server by using a data base, stored at the client, to maintain a central archive of message-related information in connection with messages located on the server to support a current and a future message communication operation between the client and the server and further recites a method for managing electronic mail messages based on message

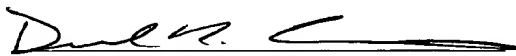
related information stored in a client base data base such that during a client server session, the message related information corresponding to the message is retrieved from the server, this reference clearly fails to disclose or remotely suggest that the electronic data comprises the operation control data for controlling the operation of the receiving device where the electronic mail data are received as is specifically recited by Applicants' claimed invention. Accordingly, it is respectfully submitted that Applicants' claimed invention as recited in each of claim2 17-19 and 21-31 clearly distinguishes over the combination proposed by the Examiner and it is in proper condition for allowance.

With respect to new claims 32-34, it is noted that each of these claims are directly dependent upon independent claim 17 and include all the limitations thereof. Accordingly, it is respectfully submitted that these claims are likewise in proper condition for allowance.

Therefore, in view of the foregoing it is respectfully requested that the rejection of record be reconsidered and withdrawn by the Examiner, that claims 17-19 and 21-34 be allowed and that the application be passed to issue.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,


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